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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

STEPHEN RAHER,

Case No. CV 09-526-ST

Plaintiff

DECLARATION OF TOM BARRY

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

I, Tom Barry, hereby declare:

1. I am an immigration policy analyst currently employed by the Center for International Policy in Washington, DC.
2. In approximately February 2009, while conducting research on the Reeves County Detention Center, I submitted a request to County Judge Sam Contreras, asking for a copy of Reeves County's "CAR 5" contract with the federal Bureau of Prisons. Reeves County responded to my request by providing me with a copy of the contract, which includes the pages attached hereto as Exhibit A.

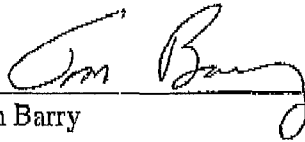
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3. On or about February 5, 2009, while conducting research on the Reeves County Detention Center, I submitted a request to County Clerk Dianne Florez, asking for a copy of Reeves County's management contract with the GEO Group. Ms. Florez responded to my request by providing me with a copy of the contract, which includes the page attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is correct.



Tom Barry

Date: April 14, 2010

OMB No: 1103-0018
Expiration Date:

| | | | | | | | |
|--|-------------|---|---------|---|-------------|---|---------|
| SOLICITATION, OFFER, AND AWARD | | 1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) | | RATING | | PAGE OF PAGES 1 188 | |
| 2. CONTRACT NUMBER DJB1PC007 | | 3. SOLICITATION NUMBER RFP-PCC-00010 | | 4. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (FBI) <input checked="" type="checkbox"/> NEGOTIATED (RFP) | | 5. DATE ISSUED 05/26/2006 | |
| 7. ISSUED BY United States Department of Justice Federal Bureau of Prisons Privatized Corrections Contracting 320 First Street, NW, Room 5006 Washington DC 20534 | | 8. ADDRESS OFFER TO (if other than item 7) Heather Greiner Contracting Officer Federal Bureau of Prisons Privatized Corrections Contracting 320 First Street, NW, Room 5006 Washington DC 20534 | | | | | |
| NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder". | | | | | | | |
| SOLICITATION | | | | | | | |
| 9. Sealed offers in original and <u>See Sec L</u> copies for furnishing the supplies or services in the Schedule will be received at the place specified in item 8, or if hand carried, in the depository located in <u>See Block B</u> until <u>4:00PM Local</u> local time <u>07/25/2006</u> (City) (Hour) (Date) | | | | | | | |
| CAUTION - LATE Submission, Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation. | | | | | | | |
| 10. FOR INFORMATION CALL: Heather Greiner Contracting Officer | | B. TELEPHONE (Include area code) (NO COLLECT CALLS) 202-616-1647 | | C. EMAIL ADDRESS hgreiner@bop.gov | | | |
| 11. TABLE OF CONTENTS | | | | | | | |
| <input checked="" type="checkbox"/> SEC. | DESCRIPTION | | PAGE(S) | <input checked="" type="checkbox"/> SEC. | DESCRIPTION | | PAGE(S) |
| PART I - THE SCHEDULE | | | | PART II - CONTRACT CLAUSES | | | |
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| OFFER (Must be fully completed by offeror) | | | | | | | |
| NOTE: Item 12 does not apply if the solicitation includes the provisions at 52.214-18, Minimum Bid Acceptance Period. | | | | | | | |
| 12. In compliance with the above, the undersigned agrees, if this offer is accepted within <u>180</u> calendar days (80 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the schedule. | | | | | | | |
| 13. DISCOUNT FOR PROMPT PAYMENT (See Section I, Clause No. 52.232-8) | | 10 CALENDAR DAYS (%) | | 20 CALENDAR DAYS (%) | | 30 CALENDAR DAYS (%) | |
| | | AMENDMENT NO. | | DATE | | AMENDMENT NO. | |
| | | 1 | | 6/30/06 | | 3 | |
| | | 2 | | 7/14/06 | | 7/18/06 | |
| 14. ACKNOWLEDGMENT OF AMENDMENTS (The offeror acknowledges receipt of amendments to the SOLICITATION for offers and related documents numbered and dated): | | AMENDMENT NO. | | DATE | | AMENDMENT NO. | |
| | | 1 | | 6/30/06 | | 3 | |
| | | 2 | | 7/14/06 | | 7/18/06 | |
| 15A. NAME AND ADDRESS OF OFFEROR Reeves County, Texas 100 E. 4th Street Pecos, TX 79772 | | 15B. TELEPHONE NO. (Include area code) 915-445-5418 | | 15C. CHECK IF REMITTANCE ADDRESS IS DIFFERENT FROM ABOVE - ENTER SUCH ADDRESS IN SCHEDULE <input type="checkbox"/> | | 16. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print) Jimmy B. Galindo Reeves County Judge | |
| | | | | 17. SIGNATURE <i>Jimmy B. Galindo</i> | | 18. OFFER DATE 6/30/06 | |
| AWARD (To be completed by Government) | | | | | | | |
| 19. ACCEPTED AS TO ITEMS NUMBERED | | 20. AMOUNT EST. \$186,957.088 | | 21. ACCOUNTING AND APPROPRIATION INFORMATION FP090009S6 Project 41Y | | | |
| 22. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: <input type="checkbox"/> 10 U.S.C. 2304 (c) () <input type="checkbox"/> 41 U.S.C. 253 (c) () | | 23. SUBMIT INVOICES TO ADDRESS SHOWN IN (4 copies unless otherwise specified) | | | | | |
| 24. ADMINISTERED BY (if other than item 7) U.S./DOJ/BOP Privatized Corrections Contracting Office, 320 First St., NW Washington, DC 20534 | | 25. PAYMENT WILL BE MADE BY Privatization Management Branch 400 First St., NW 2nd Floor Washington, DC 20534 | | | | | |
| 26. NAME OF CONTRACTING OFFICER (Type or print) Matthew D. Nace | | 27. UNITED STATES OF AMERICA <i>Matthew D. Nace</i> (Signature of Contracting Officer) | | | | 28. AWARD DATE 1/17/07 | |

IMPORTANT - Award will be made on this Form, or on Standard Form 26, or by other authorized official written notice.

AUTHORIZED FOR LOCAL REPRODUCTION

STANDARD FORM 33 (Rev. 9-97)
Prescribed by GSA FPMR (41 CFR) 101-11.6EXHIBIT A
PAGE 1 OF 6

FINAL PRICING REVISIONS - 11/17/06 OPTION A PRICING
 ATTACHMENT 1 - SCHEDULE OF SUPPLIES/SERVICES
 OFFEROR: Reeves County, Texas LOCATION: Pecos, Texas
REVISED OPTION A PRICING (specific to Option B-1 Pricing)

90% PRICING SCHEDULE - OPTION PERIODS

100% CONTRACT BEDS: Number of Contract Beds 2,093

115% CONTRACT BEDS: Number of Contract Beds 2,407

FIUP will apply when the average number of inmates, in a monthly payment period, exceeds 90% of the contract beds

| OPTION PERIOD #1 (YEAR 1) | |
|--|---|
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$3,828,101</u> | <u>\$15.28</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$48,854,088</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$55.61</u> | |
| OPTION PERIOD #1 (YEAR 2) (Leap Year) | |
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$3,888,180</u> | <u>\$15.77</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$49,676,822</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$56.39</u> | |
| OPTION PERIOD #2 (YEAR 1) | |
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$3,946,925</u> | <u>\$16.33</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$50,480,415</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$57.46</u> | |
| OPTION PERIOD #2 (YEAR 2) | |
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$4,009,234</u> | <u>\$16.87</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$51,331,207</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$58.43</u> | |

INAL PRICING REVISIONS - 11/17/06 OPTION A PRICING
 ATTACHMENT 1 - SCHEDULE OF SUPPLIES/SERVICES
 OFFEROR: Reeves County, Texas LOCATION: Pecos, Texas

| OPTION PERIOD #3 (YEAR 1) | |
|--|---|
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$4,072,536</u> | <u>\$17.44</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$52,199,641</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$59.42</u> | |
| OPTION PERIOD #3 (YEAR 2) | |
| Inmates up to (90%) | (90%+1) Inmates up to (115%) |
| Monthly Operating Price (MOP): | Fixed Incremental Unit Price (FIUP) Per Inmate Day: |
| <u>\$4,139,608</u> | <u>\$18.00</u> |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$53,120,820</u> | |
| Blended Per Day Rate @ 115% Occupancy <u>\$60.30</u> | |

FINAL PRICING REVISIONS - 12/28/06 OPTION A PRICING
 ATTACHMENT 1 - SCHEDULE OF SUPPLIES/SERVICES
 OFFEROR: Reeves County, Texas LOCATION: Pecos, Texas

REVISED OPTION A PRICING (specific to Option B-1 Pricing)

90% PRICING SCHEDULE - BASE PERIOD (First 9 months)

100% CONTRACT BEDS: Number of Contract Beds 1,913

115% CONTRACT BEDS: Number of Contract Beds 2,200

90% PRICING SCHEDULE - BASE PERIOD (Last 39 months)

100% CONTRACT BEDS: Number of Contract Beds 2,093

115% CONTRACT BEDS: Number of Contract Beds 2,407

FIUP will apply when the average number of inmates, in a monthly payment period, exceeds 90% of the contract beds

| BASE YEAR #1 (12 MONTHS) (Includes Option B-1 Price) | | |
|--|---|---|
| (90%+1) Inmates up to (90%) Monthly Operating Price (MOP) (Option B-1 - Est. 9 months): <u>\$3,482,541 Per Month</u> | (90%+1) Inmates up to (90%) Monthly Operating Price (MOP) (Option A - Est. 3 months): <u>\$3,626,851 Per Month</u> | (90%+1) Inmates (115%) Fixed Incr. Unit Price (FIUP) Per Inmate Day: <u>\$13.64 Per Day</u> |
| Total Price* (Option B-1 MOP X 9 Months) + (Option A MOP X 3 Months) + (FIUP** to 115%): <u>\$44,661,503</u> | | |
| *The Total Price assumes 9 months at 1200 inmates and 3 months at 2407 inmates. **The FIUP applies to the full 12-month period at respective population levels. Blended Per Day Rate @ 115% Occupancy (at respective population levels) <u>\$54.34</u> | | |
| BASE YEAR #2 (12 MONTHS) | | |
| Inmates up to (90%) Monthly Operating Price (MOP): <u>\$3,676,254</u> | (90%+1) Inmates up to (115%) Fixed Incremental Unit Price (FIUP) Per Inmate Day: <u>\$14.01</u> | |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$46,796,814</u> Blended Per Day Rate @ 115% Occupancy <u>\$53.12</u> | | |
| BASE YEAR #3 (12 MONTHS) | | |
| Inmates up to (90%) Monthly Operating Price (MOP): <u>\$3,722,270</u> | (90%+1) Inmates up to (115%) Fixed Incremental Unit Price (FIUP) Per Inmate Day: <u>\$14.39</u> | |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$47,414,219</u> Blended Per Day Rate @ 115% Occupancy <u>\$53.97</u> | | |
| BASE YEAR #4 (12 MONTHS) | | |
| Inmates up to (90%) Monthly Operating Price (MOP): <u>\$3,771,927</u> | (90%+1) Inmates up to (115%) Fixed Incremental Unit Price (FIUP) Per Inmate Day: <u>\$14.78</u> | |
| Total Price (MOP X 12) + (FIUP to 115%): <u>\$48,084,552</u> Blended Per Day Rate @ 115% Occupancy <u>\$54.73</u> | | |

*Option B OFFEROR: _____ LOCATION: _____

90% PRICING SCHEDULE - BASE PERIOD

100% CONTRACT BEDS: Number of Contract Beds _____

115% CONTRACT BEDS: Number of Contract Beds _____

FIUP will apply when the average number of inmates, in a monthly payment period, exceeds 90% of the contract beds

Date of Award through 270 calendar days or upon completion of expansion or renovation

| Inmates up to (50%) | (50%+1) Inmates to (90%) | (90%+1) Inmates (115%) |
|--|--|--|
| Monthly Ramp Up Price* (Estimated 3 months): \$ _____ Per month | Monthly Operating Price (MOP) (Estimated 9 months): \$ _____ Per month | Fixed Incremental Unit Price (FIUP) Per Inmate Day: \$ _____ Per day |
| Total Price (Ramp Up X 3 Months)+(MOP X number of days to complete expansion and/or renovation 9 Months)+(FIUP to 115%):\$ _____ FIUP Can only apply to the nine month period and should be calculated as such. | | |

* Ramp up does not apply to those facilities with an existing BOP population.

Explanation for calculation of FIUP total:

(Fixed Incremental Unit Price per inmate) X (# of inmates above Fixed MOP) X (365)

First, figure the number of inmates for the FIUP. For 1,000 contract beds offered at 100%, in the 90% schedule, the FIUP percentage up to 115% would be 250 contract beds (1150 - 900). If the FIUP per inmate day is \$10, then the FIUP for one year would be $\$10 \times 250 \times 365 = \$912,500$.

If discrepancies exist between the unit prices, including the FIUP, and the total prices, the unit prices will govern.

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**Reeves County Detention Center
Reeves County, Pecos, Texas**

7/31/2006 3:38 PM

| | CURRENT PRICING | | | PROPOSED PRICING | | |
|---------------------------------------|-----------------|--------------|--------------|------------------|--------------|--------------|
| | RCDC III | RCDC I/II | COMBINED | RCDC III | RCDC I/II | COMBINED |
| | CAR 5 | 05 Actuals | | CAR 5 | CAR 6 | |
| | R3 | R1 / R2 | R1 / R2 & R3 | R3 | R1 / R2 | R1 / R2 & R3 |
| | FBOP | FBOP | FBOP | FBOP | FBOP | FBOP |
| | 1356 | 2200 | TOTAL | 1356 | 2407 | TOTAL |
| | 1356 | 2158 | 3514 | 1356 | 2407 | 3763 |
| OPERATING EXPENSES | | | | | | |
| PERSONNEL | | | | | | |
| Salaries (non-Wage Determination) | \$1,839,118 | \$10,648,241 | \$12,487,359 | \$1,839,118 | \$2,706,539 | \$4,545,658 |
| Benefits (non-Wage Determination) | \$595,728 | \$3,193,065 | \$3,788,793 | \$595,728 | \$903,364 | \$1,499,093 |
| Salaries (Wage Determination) | \$4,811,518 | | \$4,811,518 | \$4,811,518 | \$8,556,360 | \$13,367,878 |
| Benefits (Wage Determination) | \$1,784,721 | | \$1,784,721 | \$1,784,721 | \$3,221,180 | \$5,005,901 |
| TOTAL PERSONNEL | \$9,031,086 | \$13,841,305 | \$22,872,391 | \$9,031,086 | \$15,387,443 | \$24,418,529 |
| OPERATIONS-VARIABLE | | | | | | |
| FOOD SERVICE | \$1,269,480 | \$2,049,235 | \$3,318,715 | \$1,269,480 | \$2,253,421 | \$3,522,901 |
| MEDICAL SERVICES | \$2,836,006 | \$3,261,455 | \$6,097,461 | \$2,836,006 | \$5,613,642 | \$8,449,648 |
| Contract Medical Services | \$2,836,006 | \$2,816,313 | \$5,652,319 | \$2,836,006 | \$5,025,010 | \$7,861,016 |
| Pharmacy and Laboratory | | \$445,142 | \$445,142 | \$0 | \$588,632 | \$588,632 |
| INMATE SERVICES | \$51,087 | \$88,093 | \$139,180 | \$51,087 | \$90,683 | \$141,770 |
| FACILITY SECURITY | \$216,030 | \$318,367 | \$534,397 | \$216,030 | \$383,469 | \$599,499 |
| UNIT MANAGEMENT | \$504,618 | \$0 | \$504,618 | \$504,618 | \$895,734 | \$1,400,352 |
| EDUCATION | \$120,125 | \$54,312 | \$174,437 | \$120,125 | \$213,231 | \$333,356 |
| TOTAL OPERATIONS-VARIABLE | \$4,997,346 | \$5,771,462 | \$10,768,808 | \$4,997,346 | \$9,450,179 | \$14,447,526 |
| OPERATIONS-FIXED | | | | | | |
| FACILITY ADMINISTRATION | \$763,870 | \$1,174,984 | \$1,938,854 | \$763,870 | \$1,672,322 | \$2,436,193 |
| EMPLOYEE TRAINING | \$25,500 | \$16,859 | \$42,359 | \$25,580 | \$35,429 | \$60,929 |
| FACILITY MAINTENANCE | \$1,001,464 | \$2,538,478 | \$3,539,942 | \$1,001,464 | \$3,404,872 | \$4,406,336 |
| TOTAL OPERATIONS-FIXED | \$1,790,834 | \$3,730,321 | \$5,521,155 | \$1,790,834 | \$5,112,624 | \$6,903,458 |
| TOTAL OPERATING EXPENSES | \$15,819,266 | \$23,343,088 | \$39,162,355 | \$15,819,266 | \$29,950,246 | \$45,769,513 |
| DEBT SERVICE AND FEES | | | | | | |
| DEBT SERVICE | | | | | | |
| Bond Payments | \$4,200,000 | \$5,530,220 | \$9,730,220 | \$4,200,000 | \$5,940,000 | \$10,140,000 |
| Capital Improve. (annual repay.) | \$0 | \$0 | \$0 | \$0 | \$3,015,000 | \$3,015,000 |
| Bond Trustee Fee | \$0 | \$11,235 | \$11,235 | \$0 | \$7,500 | \$7,500 |
| Maintenance Reserve Fund | \$350,000 | \$320,834 | \$670,834 | \$350,000 | \$350,000 | \$700,000 |
| Bond / Maintenance Payments | \$4,550,000 | \$5,882,289 | \$10,412,289 | \$4,550,000 | \$9,312,500 | \$13,862,500 |
| REEVES COUNTY COSTS/FEE | | | | | | |
| County Indirects | \$282,652 | \$462,483 | \$745,135 | \$229,227 | \$0 | \$229,227 |
| County Budgeted Profit | (\$1,503,425) | \$1,850,000 | \$346,575 | \$0 | \$3,770,773 | \$3,770,773 |
| County Unbudgeted Profit | \$0 | \$2,900,594 | \$2,900,594 | \$0 | \$0 | \$0 |
| County Expenses/Profit | (\$1,220,773) | \$5,213,077 | \$3,992,304 | \$229,227 | \$3,770,773 | \$4,000,000 |
| GEO GROUP FEE | | | | | | |
| GEO Fee | \$1,600,000 | \$3,400,000 | \$5,000,000 | \$150,000 | \$4,850,000 | \$5,000,000 |
| TOTAL DEBT SERVICES & FEES | \$4,929,227 | \$14,475,366 | \$19,404,593 | \$4,929,227 | \$17,933,273 | \$22,862,500 |
| TOTAL OPERATING REVENUES | \$20,748,493 | \$37,818,454 | \$58,566,948 | \$20,748,493 | \$47,883,519 | \$68,632,013 |
| PER DIEM RATES | \$41.92 | \$48.01 | \$45.66 | \$41.92 | \$54.50 | \$49.97 |
| COUNTY / GEO FEES | | | | | | |
| COUNTY INDIRECTS/FEE | R3 | R1 / R2 | COMBINED | R3 | R1 / R2 | COMBINED |
| GEO FEE | (\$1,220,773) | \$5,213,077 | \$3,992,304 | \$229,227 | \$3,770,773 | \$4,000,000 |
| | \$1,600,000 | \$3,400,000 | \$5,000,000 | \$150,000 | \$4,850,000 | \$5,000,000 |

EXHIBIT

B

PAGE 1 OF 1